

Application No. 10/690,992
Amendment dated September 18, 2007

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Docket No.: 60130(71987)

REMARKS

Claims 1, 3-10, and 12-33 are pending in the instant application. Claims 7-10 are canceled without prejudice. Claims 2 and 11 stand canceled. Claims 19-23 stand withdrawn as drawn to non-elected subject matter. Claim 1 has been amended to more clearly delineate the instant invention. Support for the amendments to the claims can be found throughout the application as filed. No new matter is introduced by these amendments.

Applicants make these amendments without prejudice to pursuing the original subject matter of this application in a later filed application claiming benefit of the instant application, including without prejudice to any determination of equivalents of the claimed subject matter.

Rejection under 35 U.S.C. § 112

Claims 1, 3-10, 12-18, and 24-33 are rejected under 35 U.S.C. § 112, second paragraph, allegedly as being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention.

The Office Action alleges that claims 1 and 6 are indefinite regarding the phrase "wherein the extract comprises antineoplastic components." Applicants traverse but have amended claim 1 to include a method of preparing an extract in which the polar organic solvent extract comprises antineoplastic components, thereby clarifying that the antineoplastic components are obtained in the final extract. The rejection is overcome and withdrawal of the rejection is respectfully requested. The rejections of claims 6 and 24 are rendered moot in view of the above amendment to claim 1.

Conclusion

In view of the above remarks, Applicants believe the pending application is in condition for allowance. Should any of the claims not be found to be allowable, the Examiner is requested to telephone Applicants' undersigned representative at the number below. Applicants thank the Examiner in advance for this courtesy.

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The Director is hereby authorized to charge or credit any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 04-1105, under Attorney Docket No. 60130 (71987), Customer No. 21874.

Dated: September 18, 2007

Respectfully submitted,

By Dwight D. Kinn
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